S.B. CIVIL WRIT PETITION NO.4771/2004

Jawari Lal vs. Civil Judge (SD), Merta City & anr.

Date : 15.12.2004

HON'BLE MR. PRAKASH TATIA, J.

Mr. S.P. Sharma for Mr. P.R. Choudhary, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner is aggrieved against the order dated 15.7.2004 by which the trial court allowed the application filed by the defendant under Order 7 Rule 14(3) C.P.C. and the trial court permitted production of documents in evidence of the defendant.

Learned counsel for the petitioner submits that the documents are sought to be produced at a belated stage as the defendant's evidence is going on and the plaintiff has already closed his evidence. It is also submitted that the defendant has failed to show any sufficient cause in not submitting the documents in time.

I have considered the submissions of learned counsel for the petitioner and perused the reasons given in the impugned order. After going through the facts, the trial court found that the documents are relevant and will help the court to decide the real issue between the parties. In these facts and circumstances, if the trial court has exercised the discretion in favour of condoning the delay, this Court is not inclined to interfere in such order of

the trial court in view of the fact that in the opinion of the trial court itself, these documents are relevant and will help in deciding the real controversy.

It is further relevant to mention here that the trial court has already safeguarded the interest of the plaintiff and permitted the plaintiff to even produce the documentary evidence to rebut the documentary evidence sought to be produced by the defendant, therefore, no prejudice has been caused to the petitioner by the impugned order.

In view of the above, this writ petition having no force is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya